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Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Kenneth L. Oakeson

Confirmation No.: 5696

Application No.: 09/873,194

Examiner: Sara M. Chandler

Filing Date: 6/5/2001

Group Art Unit: 3693

Title: Use of a job ticket service to store bid information

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TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 7/8/2007.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$520.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$120

☐ 2nd Month
\$460

☐ 3rd Month
\$1050

☐ 4th Month
\$1640

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 520 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

Kenneth L. Oakeson

By: /Michael Dryja/

Michael Dryja

Attorney/Agent for Applicant(s)

Reg No. : 39,662

Date : 9/6/2007

Telephone : (425) 427-5094

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Application No.: 09/873,194 (CONF 5696)	Group Art Unit: 3693
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Assistant Commissioner for Patents
Washington, D.C. 20231

APPEAL BRIEF

This Appeal Brief is organized in accordance with the requirements set forth in 37 CFR 41.37(c).

Real party in interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

Related appeals and interferences

There are no related appeals or interferences to the present patent application.

Status of claims

Claims 1-21 are pending in the patent application. Claims 1, 10, 17, and 21 are independent claims, from which the remaining pending claims ultimately depend. All the claims stand rejected, as summarized in the single issue presented for appeal, below. Thus, the rejection of all the claims 1-21 is being appealed herein, and claims 1-21 are subject to this appeal.

Status of amendments

Amendments were made to claims 1, 9-12, 17-18, and 20-21 during the course of examination. Specifically, claims 1, 9-12, 17-18, and 20-21 were amended in the office action response of June 6, 2006. Claims 1, 10, 17, and 21 were also amended in the office action response of February 6, 2007. All of these amendments were entered by the Examiner in various office actions. As such, there are no non-entered amendments pending to the claims. As to the status of any amendments filed subsequent to the final rejection of the claims, no such amendments were filed.

Summary of claimed subject matter

There are four independent claims, claims 1, 10, 17, and 21, pending in the present patent application.

Independent claim 1

Independent claim 1 is directed to an “apparatus that stores bid information for services in a computer network.” (Patent application as filed, summary on p. 1, l. 28, through p. 2, l. 12; p. 5, ll. 3-13; service center 40 of FIGs. 3 and 4 as described on p. 6, l. 17, through p. 28, l. 25.) “[T]he computer network coupl[es] processors and a client.” (Id., network 35 couples client 31 to processors 80 in FIG. 3, as described on p. 7, ll. 7-21.) “[T]he client submits a job request for execution by one or more of the processors.” (Id., p. 7, ll. 7-21.)

The apparatus of claim 1 is limited to comprising “a service bus coupled to the computer network, wherein the service bus is coupled to the client and the processors.” (Patent application as filed, service center 40 includes a service bus 41 in communication with the network 35 and the processors 80 in FIG. 4 as described on p. 8, ll. 1-7; front end service 30 that allows a client 31 to generate a job request is coupled to the network 35 in FIG. 3 as described on p. 7, ll. 7-21.) The

apparatus of claim 1 is also limited to “a job ticket service coupled to the service bus.” (Id., job ticket service 60 is coupled to the service bus 41 in FIG. 4 as described on p. 8, ll. 1-7.)

Now, there are three particular limitations regarding the job ticket service vis-à-vis the job ticket in claim 1. The first particular limitation is that “the job ticket service stor[es] a job ticket related to the job request as an object on a storage.” (See, e.g., patent application as filed, p. 2, l. 2, which indicates that the job ticket may be an XML object, which is one type of object; p. 15, l. 15 et seq., which describes an exemplary job ticket; storage 73 of FIG. 6, on which “the job ticket service retains the job ticket,” as described on p. 20, ll. 13-15 and 27-29.)

The second particular limitation is that “the job ticket service stor[es] [1] a job identifier of the object identifying the job request to which the job ticket is related, [2] a service identifier of the object identifying the job ticket service storing the job ticket, [3] a task section of the objection defining the job ticket, and [4] a control data section of the object including at least programming to complete the object.” (See, e.g., patent application as filed, p. 15, l. 15 et seq.; more specifically, job ID 63 on p. 15, ll. 22-25 corresponds to the job identifier; service ID 65 on p. 15, ll. 21-30 corresponds to the service identifier; task section 68 on p. 16, ll. 1-6 corresponds to the task section; control data section 69 on p. 16, ll. 7-9 corresponds to the control data section.)

The third particular limitation is that “the job ticket as stored as the object [is] accessed by the client.” (See, e.g., patent application as filed, p. 2, l. 2., in which the job ticket may be an XML object; p. 15, l. 15 et seq.; p. 20, ll. 22-30, in which clients access the job ticket 61.)

Finally, the apparatus of claim 1 is limited to “a bidding service coupled to the service bus, wherein the bidding service posts a notice of the job request, and wherein one or more of the processors submit bids to complete the job request, the bids comprising bid information, and wherein the job ticket service stores winning bid information with the job ticket.” (Patent application as filed, service center 40 includes a bidding service 90 coupled to the service bus 41 in FIG. 4 as described on p. 8, ll. 1-7; p. 3, ll. 1-7; p. 13, ll. 9-15; p. 14, l. 27, through p. 15, l. 4; p. 15, ll. 11-14.)

Independent claim 10

Independent claim 10 is directed to a “method for using a job ticket service to store bid information for electronic services in a computer network.” (Patent application as filed, summary on p. 1, l. 28, through p. 2, l. 12; process of FIG. 9 containing sub-processes of FIGs. 10-15 as indicated on p. 4, ll. 1-4.) “[T]he computer network coupl[es] processors and a client.” (Id., network 35 couples client 31 to processors 80 in FIG. 3, as described on p. 7, ll. 7-21.) “[T]he client submits a job request for execution by one or more of the processors.” (Id., p. 7, ll. 7-21.)

The method of claim 10 is limited to “receiving a job request from the client.” (Patent application as filed, part 205 of FIG. 10 as described on p. 24, ll. 25-26; p. 10, ll. 10-11.) The method “post[s] a notice of the job request at a job ticket service center.” (Id., part 250 of FIG. 10 as described on p. 25, ll. 5-11.) “[T]he job ticket service center generating a job ticket corresponding to the job request.” (Id., part 230 of FIG. 10 as described on p. 25, ll. 1-4; p. 6, ll. 24-25; p. 8, ll. 1-7.)

Next, there are three particular limitations within the method of claim 10. The first particular limitation is that “a job ticket service stor[es] the job ticket as an object on a storage.” See, e.g., patent application as filed, p. 2, l. 2, which indicates that the job ticket may be an XML object, which is one type of object; p. 15, l. 15 et seq., which describes an exemplary job ticket; storage 73 of FIG. 6, on which “the job ticket service retains the job ticket,” as described on p. 20, ll. 13-15 and 27-29.)

The second particular limitation is that “the job ticket service stor[es] [1] a job identifier of the object identifying the job request to which the job ticket is related, [2] a service identifier of the object identifying the job ticket service storing the job ticket, [3] a task section of the objection defining the job ticket, and [4] a control data section of the object including at least programming to complete the object.” (See, e.g., patent application as filed, p. 15, l. 15 et seq.; more specifically, job ID 63 on p. 15, ll. 22-25 corresponds to the job identifier; service ID 65 on p. 15, ll. 21-30 corresponds to the service identifier; task section 68 on p. 16, ll. 1-6

corresponds to the task section; control data section 69 on p. 16, ll. 7-9 corresponds to the control data section.)

The third particular limitation is that “the job ticket as stored as the object [is] accessed by the client.” (See, e.g., patent application as filed, p. 2, l. 2., in which the job ticket may be an XML object; p. 15, l. 15 et seq.; p. 20, ll. 22-30, in which clients access the job ticket 61.)

The method of claim 10 is finally limited to “receiving bids from one or more of the processors,” “evaluating the bids,” “selecting a winning bid, wherein the winning bid includes bid information,” and “storing the bid information with the job ticket.” (Patent application as filed, parts 270, 290, and 310 of FIG. 10 relate to receiving, evaluating and selecting bids, as described on p. 25, ll. 12-18; the bid information of the winning bid is stored with the job ticket as indicated on p. 25, ll. 19-20; see also, e.g., p. 3, ll. 1-7; p. 13, ll. 9-15; p. 14, l. 27, through p. 15, l. 4; p. 15, ll. 11-14.)

Independent claim 17

Independent claim 17 is directed to “a method for controlling completion of a job ticket in a networked environment.” (Patent application as filed, summary on p. 1, l. 28, through p. 2, l. 12; process of FIG. 9 containing sub-processes of FIGs. 10-15 as indicated on p. 4, ll. 1-4; network 35 couples client 31 to processors 80 in FIG. 3, as described on p. 7, ll. 7-21.) “[A] plurality of processors compete for selection to perform tasks related to the job ticket.” (Id., p. 2, l. 19, through p. 3, l. 18; p. 9, ll. 11-18.)

The method of claim 17 includes three particular limitations. The first particular limitation is that “a job ticket service stor[es] the job ticket as an object on a storage.” See, e.g., patent application as filed, p. 2, l. 2, which indicates that the job ticket may be an XML object, which is one type of object; p. 15, l. 15 et seq., which describes an exemplary job ticket; storage 73 of FIG. 6, on which “the job ticket service retains the job ticket,” as described on p. 20, ll. 13-15 and 27-29.)

The second particular limitation is that “the job ticket service stor[es] [1] a job identifier of the object identifying the job request to which the job ticket is related, [2] a service identifier of the object identifying the job ticket service storing the job ticket, [3] a task section of the objection defining the job ticket, and [4] a control data section of the object including at least programming to complete the object.” (See, e.g., patent application as filed, p. 15, l. 15 et seq.; more specifically, job ID 63 on p. 15, ll. 22-25 corresponds to the job identifier; service ID 65 on p. 15, ll. 21-30 corresponds to the service identifier; task section 68 on p. 16, ll. 1-6 corresponds to the task section; control data section 69 on p. 16, ll. 7-9 corresponds to the control data section.)

The third particular limitation is that “the job ticket as stored as the object [is] accessed by the client.” (See, e.g., patent application as filed, p. 2, l. 2., in which the job ticket may be an XML object; p. 15, l. 15 et seq.; p. 20, ll. 22-30, in which clients access the job ticket 61.)

The method of claim 17 is further limited to “defining one or more tasks to complete the job ticket” and “assigning performance criteria for each of the one or more tasks.” (Patent application as filed, p. 6, ll. 24-30; p. 13, ll. 16-27; p. 13, l. 28, through p. 14, l. 12.) The method “post[s] a notice in the environment for one or more of the one or more tasks, “receiv[es] bids from one or more of the plurality of processors for one or more of the one or more tasks,” “compare[es] the received bids for one or more of the one or more tasks to the assigned performance criteria,” and “select[s] a processor to complete a task based on the comparison.” (Id., part 250 of FIG. 10 as described on p. 25, ll. 5-11; parts 270, 290, and 310 of FIG. 10 as described on p. 25, ll. 12-18; part 455 of FIG. 13 as described on p. 26, ll. 12-21; see also, e.g., p. 3, ll. 1-7; p. 13, ll. 9-15; p. 14, l. 27, through p. 15, l. 4; p. 15, ll. 11-14.)

Independent claim 21

Independent claim 21 is directed to a “machine-readable program storage device, tangibly embodying a program of instructions executed by a machine in a networked environment.” (Patent application as filed, p. 15, ll. 11-14; p. 8, ll. 1-7; p. 7, ll. 7-21.) “[A] plurality of processors

compete for selection to perform tasks related to a job ticket.” (Id., p. 2, l. 19, through p. 3, l. 18; p. 9, ll. 11-18.) “[T]he program of instructions perform[] a method for controlling completion of the job ticket.” (Id., summary on p. 1, l. 28, through p. 2, l. 12; process of FIG. 9 containing sub-processes of FIGs. 10-15 as indicated on p. 4, ll. 1-4.)

The method of claim 21 includes three particular limitations. The first particular limitation is that “a job ticket service stor[es] the job ticket as an object on a storage.” See, e.g., patent application as filed, p. 2, l. 2, which indicates that the job ticket may be an XML object, which is one type of object; p. 15, l. 15 et seq., which describes an exemplary job ticket; storage 73 of FIG. 6, on which “the job ticket service retains the job ticket,” as described on p. 20, ll. 13-15 and 27-29.)

The second particular limitation is that “the job ticket service stor[es] [1] a job identifier of the object identifying the job request to which the job ticket is related, [2] a service identifier of the object identifying the job ticket service storing the job ticket, [3] a task section of the objection defining the job ticket, and [4] a control data section of the object including at least programming to complete the object.” (See, e.g., patent application as filed, p. 15, l. 15 et seq.; more specifically, job ID 63 on p. 15, ll. 22-25 corresponds to the job identifier; service ID 65 on p. 15, ll. 21-30 corresponds to the service identifier; task section 68 on p. 16, ll. 1-6 corresponds to the task section; control data section 69 on p. 16, ll. 7-9 corresponds to the control data section.)

The third particular limitation is that “the job ticket as stored as the object [is] accessed by the client.” (See, e.g., patent application as filed, p. 2, l. 2., in which the job ticket may be an XML object; p. 15, l. 15 et seq.; p. 20, ll. 22-30, in which clients access the job ticket 61.)

The method of claim 21 is further limited to “defining one or more tasks to complete the job ticket” and “assigning performance criteria for each of the one or more tasks.” (Patent application as filed, p. 6, ll. 24-30; p. 13, ll. 16-27; p. 13, l. 28, through p. 14, l. 12.) The method “post[s] a notice in the environment for one or more of the one or more tasks, “receiv[es] bids from one or more of the plurality of processors for one or more of the one or more tasks,”

“compare[es] the received bids for one or more of the one or more tasks to the assigned performance criteria,” and “select[s] a processor to complete a task based on the comparison.” (Id., part 250 of FIG. 10 as described on p. 25, ll. 5-11; parts 270, 290, and 310 of FIG. 10 as described on p. 25, ll. 12-18; part 455 of FIG. 13 as described on p. 26, ll. 12-21; see also, e.g., p. 3, ll. 1-7; p. 13, ll. 9-15; p. 14, l. 27, through p. 15, l. 4; p. 15, ll. 11-14.)

Grounds of rejection to be reviewed on appeal

For the purposes of this appeal, there is a single issue: whether the claimed invention is unpatentable over (i.e., obvious over) Huberman (US Pat. No. 6,078,906) in view of Sklut (5,790,119), either alone or in further combination with Gindlesperger (6,397,197), under 35 USC 103(a). Claims 1-2 and 6-7 have been specifically rejected under 35 USC 103(a) as being unpatentable over Huberman in view of Sklut. Claims 3-5 and 9-21 have been specifically rejected under 35 USC 103(a) as being unpatentable over Huberman in view of Sklut, and further in view of Gindlesperger. Thus, insofar as the independent claims 1, 10, 17, and 21 are patentable over Huberman in view of Sklut (with respect to claim 1) and are patentable over Huberman in view of Sklut and further in view of Gindlesperger (with respect to claims 10, 17, and 21), dependent claims 2-9, 11-16, and 18-20 are also patentable. That is, Applicant is contesting herein the rejection of the independent claims in particular as to Huberman in view of Sklut and as to Huberman in view of Sklut and further in view of Gindlesperger. As such, the patentability of all the claims rises and falls with the patentability of the independent claims as to as to Huberman in view of Sklut and as to Huberman in view of Sklut and further in view of Gindlesperger, insofar as this appeal is concerned.

Argument

Groupings of claims 1-21

For purposes of this appeal only, Applicant groups all pending claims 1-21 within a single group, and selects claim 1, as representative of these claims. Claim 1 reads as follows (all the claims are listed at the end of this brief):

1. An apparatus that stores bid information for services in a computer network, the computer network coupling processors and a client, wherein the client submits a job request for execution by one or more of the processors, comprising:

a service bus coupled to the computer network, wherein the service bus is coupled to the client and the processors;

a job ticket service coupled to the service bus, the job ticket service storing a job ticket related to the job request as an object on a storage, the job ticket service storing a job identifier of the object identifying the job request to which the job ticket is related, a service identifier of the object identifying the job ticket service storing the job ticket, a task section of the object defining the job ticket, and a control data section of the object including at least programming to complete the job ticket, the job ticket as stored as the object accessed by the client; and

a bidding service coupled to the service bus, wherein the bidding service posts a notice of the job request, and wherein one or more of the processors submit bids to complete the job request, the bids comprising bid information, and wherein the job ticket service stores winning bid information with the job ticket.

The Examiner has stated that Huberman teaches all the limitations of the claimed invention of claim 1, except for the following limitations:

[1] the job ticket service storing the job ticket related to the job request stores the job ticket *as an object* on a storage;

[2] the job ticket service storing *a job identifier of the object* identifying the job request to which the job ticket is related, and the job ticket service storing *a service identifier of the object* identifying the job ticket service storing the job ticket;

[3] the job ticket service storing *a task section of the object* defining the job ticket, and the job ticket service storing *a control data section of the object* including at least programming to complete the job ticket; and,

[4] the job ticket as stored as the object *accessed by the client*.

Instead, the Examiner has found that Sklut teaches these limitations, such that Huberman in view of Sklut has been stated as rendering the claimed invention obvious. (See, e.g., final office action of March 13, 2007, pp. 4-5.)

Applicant respectfully submits that Sklut does not teach each of these four limitations, as limited in claim 1, such that Huberman in view of Sklut does not render claim 1 obvious. It is noted that although claim 1 was rejected over Huberman in view of Sklut, and claims 10, 17, and 21 were rejected over Huberman in view of Sklut and further in view of Gindlesperger, the selection of claim 1 as representative of all the independent claims 1, 10, 17, and 21 is nevertheless appropriate and proper. The identified four limitations of claim 1 that the Examiner has relied upon Sklut as disclosing are also found in claims 10, 17, and 21. Furthermore, the Examiner relied upon Sklut in teaching these four limitations in rejecting claims 10, 17, and 21 over Huberman in view of Sklut and further in view of Gindlesperger. Therefore, insofar as Sklut does not teach these four limitations, claim 1 is not unpatentable over Huberman in view of Sklut, and likewise claims 10, 17, and 21 are not unpatentable over Huberman in view of Sklut and further in view of Gindlesperger. That is, the controlling issue herein is whether Sklut teaches these four limitations. If it does not, then claim 1 is patentable over Huberman in view of Sklut, and claims 10, 17, and 21 are patentable over Huberman in view of Sklut and further in view of Gindlesperger.

The controlling legal standard is the that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” (In re Wilson, 424 F.2d 1382, 1385,

165 USPQ 494, 496 (CCPA 1970), as cited in MPEP sec. 2143.03.) That is, “all claim limitations must be taught or suggested.” (Id.) Applicant now discusses how each of these limitations is not found in Sklut, such that Huberman in view of Sklut and Huberman in view of Sklut and further in view of Gindlesperger do not render the claimed invention obvious.¹

[1] Job ticket service storing the job ticket as an object

The first limitation in question is the job ticket service (in particular) storing the job ticket (in particular) as an object. The Examiner has stated that Sklut teaches this limitation in its Abstract; in column 5, line 52 through column 7, line 51; in column 13, line 65 through column 14, line 17; and, in column 15, lines 30-53. (See, e.g., final office action of March 13, 2007, p. 4.) With respect to the Abstract of Sklut, Sklut makes no mention of objects; therefore, Sklut cannot be said to disclose a job ticket service storing a job ticket as an object in its Abstract.

With respect to column 5, line 52 through column 7, line 51, this part of Sklut relevantly discloses the following:

The concept of employing an object-oriented workflow model to facilitate data processing is disclosed in the following journal article The above-mentioned journal article is directed to a model for collaborative work that provides for the decomposition of a collaborative process into units of work, the relative scheduling of these units of work, the flexible assignment and routing of work to people who will perform the work, and the presentation and manipulation of documents (or

¹ Applicant recognizes that the instant rejection was proffered over a combination of references under 35 USC 103, and that attacking a single reference is not appropriate where the rejection was made as to a combination of references. That said, Applicant is not attacking a single reference. Rather, by showing how none of the references (particularly Sklut) discloses the claim language under consideration, Applicant is traversing the rejection as a whole, by attacking all of the references in combination. That is, insofar as Sklut in particular does not disclose this claim language, and where no other cited prior art reference discloses the claim language at issue, the claimed invention is patentable over any combination of the cited prior art.

other data) needed in the context of performing the work. This collaborative process model . . . is implemented as an object-oriented network *service*.

(Col. 6, ll. 9-31) This disclosure of Sklut, however, does not disclose a job ticket service storing a job ticket as an *object*. At best, it appears that Sklut says that a *service* can be implemented as an object (i.e., consider the disclosure relating to an “object-oriented network *service*”). Therefore, at best, and without employing impermissible hindsight, Sklut does not disclose a job ticket service storing a job ticket as an object, but rather discloses a job ticket service being implemented as an object. Thus, with respect to column 5, line 52 through column 7, line 51, this part of Sklut cannot be said to disclose a job ticket service storing a job ticket as an object.

With respect to column 13, line 65 through column 14, line 17, this part of Sklut relevantly discloses the following:

Workstation 82 includes an object oriented *user interface* (UI) 142 that uses icons and windows to represents various data objects and user applications such as a display illustrating an office desktop metaphor employing various abstractions of a typical office environment. *User interfaces using windows and icons having an object oriented methodology* to present metaphors for maintaining data, navigating through various user spaces and presenting abstract computer concepts are well known

(Col. 13, l. 65, through col. 14, l. 9) This disclosure of Sklut again does not disclose a job ticket service storing a job ticket as an object. In this excerpt of Sklut, Sklut is discussing having an *object-oriented user interface* that presents various metaphors for maintaining data. However, a *user interface* is not a *job ticket service* as to which the claimed invention is limited, and the *user interface* in Sklut is not described anywhere as actually storing *a job ticket* as an object, as to which the claimed invention is also limited. That is, this excerpt of Sklut does not disclose a particular service, such as a job ticket service as in the claimed invention, actually *storing a job ticket as an object*, as to which the claimed invention is limited. Thus, with respect to column 13, line 65 through column 14, line 17, this part of Sklut also cannot be said to disclose a job ticket service storing a job ticket as an object.

With final respect to column 15, lines 30-53 of Sklut, this part of Sklut relevantly discloses the following:

In this text tool description, the pronounces “I” and “my” were used in a specific (object-oriented) manner to indicate that each *service*, as proposed here, must be treated as autonomous individuals

(Col. 15, ll. 31-34) This disclosure of Sklut also does not disclose a job ticket service storing a job ticket as an object. Rather, at best, it appears that Sklut says that each *service* can be implemented as an object. Therefore, at best, and without employing impermissible hindsight, Sklut does not disclose a job ticket service storing a job ticket as an object, but rather discloses a job ticket service being implemented as an object. Thus, with respect to column 15, lines 31-34, this part of Sklut cannot be said to disclose a job ticket service storing a job ticket as an object.

[2] Job ticket service storing job identifier and service identifier of object

The second limitation in question is that the job ticket service (in particular) stores a job identifier (in particular) of the object, where the job identifier identifies the job request to which the job ticket (represented by the object) is related, and that the job ticket service stores a service identifier (in particular) of the object, where the service identifier identifies the job ticket service (in particular) that is storing the job ticket. The Examiner has again stated that Sklut teaches this limitation in its Abstract; in column 5, line 52 through column 7, line 51; in column 13, line 65 through column 14, line 17; and, in column 15, lines 30-53. (See, e.g., final office action of March 13, 2007, p. 4.) With respect to the Abstract of Sklut, as noted above, Sklut makes no mention of objects; therefore, Sklut cannot be said to disclose a job ticket service that stores a job identifier and a service identifier of the object as limited in the claim language.

With respect to column 5, line 52 through column 7, line 51, as noted above, this excerpt of Sklut says that a *service* can be implemented as an object, as opposed to a service storing a *job ticket* as an object. Sklut does not say here that a *service* stores a job identifier identifying a job request and a service identifier identifying the service. Indeed, insofar Sklut implements the service as an object in this excerpt – as opposed to implementing the job ticket itself as an object –

it does not make sense to say that Sklut would store a service identifier identifying the job ticket service storing the object, insofar as the object in Sklut represents (at best) the job ticket service already, and not the job ticket as in the claimed invention. Thus, with respect to column 5, line 52 through column 7, line 51, this part of Sklut cannot be said to disclose a job ticket service storing a job identifier and a service identifier of an object that represents a job ticket.

With respect to column 13, line 65 through column 14, line 17, as noted above, this excerpt of Sklut simply says that the *user interface* can be implemented as an object. Sklut does not say here that a *service* stores a job identifier and a service identifier of an object that represents a job ticket. Disclosure of implementation of a user interface in an object-oriented manner does not particularly disclose a job ticket service storing job and service identifiers of an object representing a job ticket, as to which the claimed invention is limited. Thus, with respect to column 13, line 65 through column 14, line 17, this part of Sklut cannot be said to disclose a job ticket service storing a job identifier and a service identifier of an object that represents a job ticket.

With final respect to column 15, lines 30-53 of Sklut, as noted above, this excerpt of Sklut also says that a *service* can be implemented as an object, as opposed to a service storing a *job ticket* as an object. Sklut does not say here that a *service* stores a job identifier identifying a job request and a service identifier identifying the service. Indeed, insofar Sklut implements the service as an object in this excerpt – as opposed to implementing the job ticket itself as an object – it does not make sense to say that Sklut would store a service identifier identifying the job ticket service storing the object, insofar as the object in Sklut represents (at best) the job ticket service already, and not the job ticket as in the claimed invention. Thus, with respect to column 15, lines 30-53, this part of Sklut cannot be said to disclose a job ticket service storing a job identifier and a service identifier of an object that represents a job ticket.

[3] *Job ticket service storing task section and control data section of object*

The third limitation in question is that the job ticket service (in particular) stores a task section (in particular) of the object, where the job section defines the job ticket (represented by the object), and that the job ticket service stores a control data section (in particular) of the object, where the control data section includes programming to complete the job ticket (represented by the object). The Examiner has again stated that Sklut teaches this limitation in its Abstract; in column 5, line 52 through column 7, line 51; in column 13, line 65 through column 14, line 17; and, in column 15, lines 30-53. (See, e.g., final office action of March 13, 2007, p. 4.) With respect to the Abstract of Sklut, as noted above, Sklut makes no mention of objects; therefore, Sklut cannot be said to disclose a job ticket service storing job section defining the job ticket represented by the object or a control data section including the programming to complete the job ticket represented by the object.

With respect to column 5, line 52 through column 7, line 51, as noted above, this excerpt of Sklut says that a *service* can be implemented as an object, as opposed to a service storing a *job ticket* as an object. Sklut does not say here that a *service* stores a task section defining the job ticket represented by the object, or a control data section including programming to complete the job ticket represented by the object. Indeed, insofar Sklut implements the service as an object in this excerpt – as opposed to implementing the job ticket itself as an object – it does not make sense to say that Sklut would include within the object information defining a job ticket (e.g., a task section), since the job ticket is separate from the service, or programming to complete the job ticket (e.g., a control data section), since again the job ticket is separate from the service. Thus, with respect to column 5, line 52 through column 7, line 51, this part of Sklut cannot be said to disclose a job ticket service storing job section defining the job ticket represented by the object or a control data section including the programming to complete the job ticket represented by the object.

With respect to column 13, line 65 through column 14, line 17, as noted above, this excerpt of Sklut simply says that the *user interface* can be implemented as an object. Sklut does

not say here that a *service* stores a task section and a control data section of an object that represents a job ticket, where the task section defines the job ticket and the control data section includes programming to complete the job ticket. Disclosure of implementation of a user interface in an object-oriented manner does not particularly disclose a job ticket service storing task and control data sections of an object representing a job ticket, as to which the claimed invention is limited. Thus, with respect to column 13, line 65 through column 14, line 17, this part of Sklut cannot be said to disclose a job ticket service storing job section defining the job ticket represented by the object or a control data section including the programming to complete the job ticket represented by the object.

With final respect to column 15, lines 30-53 of Sklut, as noted above, this excerpt of Sklut also says that a *service* can be implemented as an object, as opposed to a service storing a *job ticket* as an object. Sklut does not say here that a *service* stores a task section defining the job ticket represented by the object, or a control data section including programming to complete the job ticket represented by the object. Indeed, insofar Sklut implements the service as an object in this excerpt – as opposed to implementing the job ticket itself as an object – it does not make sense to say that Sklut would include within the object information defining a job ticket (e.g., a task section), since the job ticket is separate from the service, or programming to complete the job ticket (e.g., a control data section), since again the job ticket is separate from the service. Thus, with respect to column 15, lines 30-53, this part of Sklut cannot be said to disclose a job ticket service storing job section defining the job ticket represented by the object or a control data section including the programming to complete the job ticket represented by the object.

[4] Object representing the job ticket is accessed by the client

The fourth limitation in question is that a client accesses the object representing the job ticket. The Examiner has again stated that Sklut teaches this limitation in its Abstract; in column 5, line 52 through column 7, line 51; in column 13, line 65 through column 14, line 17; and, in column 15, lines 30-53. (See, e.g., final office action of March 13, 2007, p. 4.) With respect to

the Abstract of Sklut, as noted above, Sklut makes no mention of objects; therefore, Sklut cannot be said to disclose a client accessing an object representing the job ticket as limited in the claim language.

With respect to column 5, line 52 through column 7, line 51, as noted above, this excerpt of Sklut says that a *service* can be implemented as an object, as opposed to a service storing a *job ticket* as an object. Sklut is silent as to a client accessing this object. Furthermore, insofar as Sklut says here that the object represents the service, then this means that at best, and without employing impermissible hindsight, Sklut teaches that a client can access an object representing the service, as opposed to a client accessing an object representing a job ticket, as to which the claimed invention is limited. Thus, with respect to column 5, line 52 through column 7, line 51, this part of Sklut cannot be said to disclose a client accessing an object that represents a job ticket.

With respect to column 13, line 65 through column 14, line 17, as noted above, this excerpt of Sklut simply says that the *user interface* can be implemented as an object. Sklut is silent as to a client accessing this object. Furthermore, insofar as Sklut says here that the object implements a user interface, then this means at best, and without employing impermissible hindsight, Sklut teaches that a client can access an object implementing a user interface, as opposed to a client accessing an object representing a job ticket, as to which the claimed invention is limited. Thus, with respect to column 13, line 65 through column 14, line 17, this part of Sklut cannot be said to disclose a client accessing an object that represents a job ticket.

With final respect to column 15, lines 30-53 of Sklut, as noted above, this excerpt of Sklut also says that a *service* can be implemented as an object, as opposed to a service storing a *job ticket* as an object. Sklut is silent as to a client accessing this object. Furthermore, insofar as Sklut says here that the object represents the service, then this means that at best, and without employing impermissible hindsight, Sklut teaches that a client can access an object representing the service, as opposed to a client accessing an object representing a job ticket, as to

which the claimed invention is limited. Thus, with respect to column 15, lines 30-53, this part of Sklut cannot be said to disclose a client accessing an object that represents a job ticket.

Conclusion

Applicant believes that the pending claims are in condition for allowance, and requests that they so be allowed, for the reasons described above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Dryja", written over a horizontal line.

Michael Dryja, Reg. No. 39,662
Attorney/Agent for Applicant(s)

September 6, 2007
Date

Michael Dryja, Esq.
Law Offices of Michael Dryja
1474 N Cooper Rd #105-248
Gilbert, AZ 85233

tel: 425-427-5094
fax: 425-563-2098

Claims appendix

1. (previously presented) An apparatus that stores bid information for services in a computer network, the computer network coupling processors and a client, wherein the client submits a job request for execution by one or more of the processors, comprising:

a service bus coupled to the computer network, wherein the service bus is coupled to the client and the processors;

a job ticket service coupled to the service bus, the job ticket service storing a job ticket related to the job request as an object on a storage, the job ticket service storing a job identifier of the object identifying the job request to which the job ticket is related, a service identifier of the object identifying the job ticket service storing the job ticket, a task section of the object defining the job ticket, and a control data section of the object including at least programming to complete the job ticket, the job ticket as stored as the object accessed by the client; and

a bidding service coupled to the service bus, wherein the bidding service posts a notice of the job request, and wherein one or more of the processors submit bids to complete the job request, the bids comprising bid information, and wherein the job ticket service stores winning bid information with the job ticket.

2. (original) The apparatus of claim 1, wherein the bidding service comprises:

an evaluation module that evaluates the submitted bids; and

an ranking algorithm that ranks the submitted bids on the basis of the evaluation.

3. (original) The apparatus of claim 2, wherein the evaluation module comprises client-supplied evaluation criteria.

4. (original) The apparatus of claim 2, wherein the evaluation module comprises industry-standard evaluation criteria.

5. (original) The apparatus of claim 2, wherein the ranking algorithm includes weighting factors.
6. (original) The apparatus of claim 1, wherein the bid information is provided to the client, and wherein the client selects the winning bid.
7. (original) The apparatus of claim 1, wherein the bidding service selects the winning bid.
8. (original) The apparatus of claim 1, wherein the job ticket is a XML object.
9. (previously presented) The apparatus of claim 1, wherein the object of the job ticket is organized in a tree data structure having multiple branches, wherein the bidding service posts a notice for one or more of the multiple branches, and wherein the bidding service determines a winning bid for each of the multiple branches.
10. (previously presented) A method for using a job ticket service to store bid information for electronic services in a computer network, the computer network coupling processors and a client, wherein the client submits a job request for execution by one or more of the processors, comprising:
 - receiving a job request from the client;
 - posting a notice of the job request at a job ticket service center, the job ticket service center generating a job ticket corresponding to the job request;
 - a job ticket service storing the job ticket as an object on a storage, including the job ticket service storing a job identifier of the object identifying the job request to which the job ticket is related, a service identifier of the object identifying the job ticket service storing the job ticket, a task section of the object defining the job ticket, and a control data section of the object including

at least programming to complete the job ticket, the job ticket as stored as the object accessed by the client;

- receiving bids from one or more of the processors;
- evaluating the bids;
- selecting a winning bid, wherein the winning bid includes bid information; and
- storing the bid information with the job ticket.

11. (previously presented) The method of claim 10, wherein evaluating the bids comprises evaluating the submitted bids against client-supplied evaluation criteria.

12. (previously presented) The method of claim 10, wherein evaluating the bids comprises evaluating the submitted bids against industry standard evaluation criteria.

13. (original) The method of claim 10, further comprising:
applying a ranking algorithm to the evaluated bids; and
ranking the evaluated bids according to the ranking algorithm.

14. (original) The method of claim 13, further comprising:
supplying the ranked bids to the client; and
receiving a selection of the winning bid from the client.

15. (original) The method of claim 13, further comprising selecting the winning bid from the ranked bids according to a standard algorithm.

16. (original) The method of claim 15, wherein the standard algorithm includes weighting factors.

17. (previously presented) A method for controlling completion of a job ticket in a networked environment, wherein a plurality of processors compete for selection to perform tasks related to the job ticket, comprising:

a job ticket service storing the job ticket as an object on a storage, including the job ticket service storing a job identifier of the object identifying the job request to which the job ticket is related, a service identifier of the object identifying the job ticket service storing the job ticket, a task section of the object defining the job ticket, and a control data section of the object including at least programming to complete the job ticket, the job ticket as stored as the object accessed by a client;

defining one or more tasks to complete the job ticket;

assigning performance criteria for each of the one or more tasks;

posting a notice in the environment for one or more of the one or more tasks;

receiving bids from one or more of the plurality of processors for one or more of the one or more tasks;

comparing the received bids for one or more of the one or more tasks to the assigned performance criteria; and

selecting a processor to complete a task based on the comparison.

18. (previously presented) The method of claim 17, wherein the performance criteria includes a minimum performance criteria, and wherein comparing the received bids comprises:

comparing the received bids for the one or more tasks to the minimum performance criteria; and

discarding any bid that does not meet the minimum performance criteria.

19. (original) The method of claim 17, wherein the performance criteria comprises a plurality of performance factors, and further comprising weighting selected one of the plurality of performance factors.

20. (previously presented) The method of claim 17, wherein selecting the processor comprises:

- ranking the received bids based on the comparison, wherein a bid that is closest to the performance criteria has a best ranking; and
- selecting a bid that has the best ranking.

21. (previously presented) A machine-readable program storage device, tangibly embodying a program of instructions executed by a machine in a networked environment, wherein a plurality of processors compete for selection to perform tasks related to a job ticket, the program of instructions performing a method for controlling completion of the job ticket, the method comprising:

- a job ticket service storing the job ticket as an object on a storage, including the job ticket service storing a job identifier of the object identifying the job request to which the job ticket is related, a service identifier of the object identifying the job ticket service storing the job ticket, a task section of the object defining the job ticket, and a control data section of the object including at least programming to complete the job ticket, the job ticket as stored as the object accessed by a client;

- defining one or more tasks to complete the job ticket;
- assigning performance criteria for each of the one or more tasks;
- posting a notice in the environment for one or more of the one or more tasks;
- receiving bids from one or more of the plurality of processors for one or more of the one or more tasks;

- comparing the received bids for one or more of the one or more tasks to the assigned performance criteria; and

- selecting a processor to complete a task based on the comparison.

Evidence Appendix

(No evidence was submitted pursuant to Rules 130, 131, and 132, and therefore, this section is blank.)

Related Proceedings Appendix

(There are no related proceedings to this patent application, and therefore, this section is blank.)